

EXHIBIT H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TQ DELTA, LLC,)
)
Plaintiff,)
) C.A. No. 13-1835-RGA
v.) Family 2
)
2WIRE, INC.,) JURY TRIAL DEMANDED
)
Defendant.)

J. Caleb Boggs Courthouse
844 North King Street
Wilmington, Delaware

Wednesday, January 15, 2020
9:00 a.m.
Trial Volume 3

BEFORE: THE HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

APPEARANCES:

FARNAN, LLP
BY: MICHAEL J. FARNAN, ESQUIRE

-and-

McANDREWS HELD & MALLOY
BY: PETER J. McANDREWS, ESQUIRE
BY: PAUL W. McANDREWS, ESQUIRE
BY: THOMAS J. WIMBISCUS, ESQUIRE
BY: RAJENDRA A. CHIPLUNKAR, ESQUIRE
BY: ASHLEY RATYCZ, ESQUIRE

-and-

ROBINS KAPLAN LLP
BY: DAVID A. PRANGE, ESQUIRE

For the Plaintiff

1 APPEARANCES CONTINUED:

2 MORGAN LEWIS & BOCKIUS LLP
3 BY: JODY C. BARILLARE, ESQUIRE

4 -and-

5 GOODWIN PROCTER LLP
6 BY: BRETT SCHUMAN, ESQUIRE
7 BY: DOUGLAS KLINE, ESQUIRE
8 BY: ANDREW ONG, ESQUIRE
9 BY: RACHEL M. WALSH, ESQUIRE

10 For the Defendant

11 *** PROCEEDINGS ***

12 THE COURT: All right. Good morning, everyone.
13 Please be seated.

14 Mr. Ong.

15 MR. ONG: Good morning, Your Honor. 2Wire had
16 one more Rule 50 motion that it was planning on bringing.
17 It was about non-infringement for ATM bonding, the G.998.2
18 standard. We met and conferred with the other side. They
19 said that is not part of the case and so if they are willing
20 to state on the record that they're not accusing that, then
21 we don't need to bring that motion.

22 THE COURT: Well, I haven't heard any evidence
23 that would support it, so I think they're not bringing it,
24 right, Mr. McAndrews?

25 MR. McANDREWS: That's right. That's consistent
with the expert reports and the final contentions.

THE COURT: Okay.

1 technically an employee of ComScope?

2 A. I am not an employee of ComScope.

3 Q. Thank you. But you did consulting work for ComScope,
4 correct?

5 A. I do.

6 Q. Thank you. You also mentioned Broadcom early in your
7 testimony. 2Wire is a major purchaser of Broadcom's
8 semiconductor chips, correct?

9 A. Yes.

10 Q. In fact, you understand that 2Wire purchases millions
11 of DSL semiconductor chips from Broadcom, correct?

12 A. I don't know the exact numbers offhand, but it's a
13 lot.

14 Q. Millions. Do you understand that?

15 A. What's your question?

16 Q. Do you understand that 2Wire has purchased millions
17 of DSL semiconductor chips from Broadcom?

18 A. So if somebody told me that 2Wire bought millions of
19 chips from Broadcom, it would not surprise me.

20 Q. Thank you. Your know what, if we could, can we flip
21 to what was tab 2 in your direct examination binder. I
22 believe it's JTX 0012.

23 A. 0012, yes, uh-huh.

24 Q. And let me point you down to the section where it
25 says ADSL/VDSL pair bonding.

1 A. Yes.

2 Q. That says the 5168 and residential gateway featured
3 bonded ADSL2/VDSL2 modem technology. That's an accused
4 product, not referring to just the semiconductor chip that's
5 in the product, correct?

6 A. This is -- I mean, what you've highlighted there is
7 referring to the product.

8 Q. Thank you. The 5168NV is the product?

9 A. That's the product.

10 Q. Thank you. Can I direct your attention to the second
11 page of 0012?

12 A. Yes.

13 Q. You made a point of stating that this document does
14 not identify G.INP or G.998.1 which is ATM bonding, but if
15 you look under the DSL modem section, specifically it does
16 identify ethernet bonding pursuant to G.998.2; is that
17 correct?

18 A. That's correct.

19 Q. And Mr. Miller, I don't know if we need to walk
20 through them, but JTX 0013, which is the data sheet for the
21 5168NV and JTX 0008, which is the data sheet for 5268AC also
22 identify ethernet bonding pursuant to 998.2; is that
23 correct?

24 A. I believe that's correct, yes.

25 Q. Okay. You'd agree that the DSL functionality among

1 the 5168N and 5168NV and 5268AC is identical?

2 A. Yes.

3 Q. The accused products are all capable of bonding,
4 correct?

5 A. Capable -- yes.

6 Q. And the accused products all support using different
7 data rates of the two bonded lines; is that correct?

8 A. That's correct.

9 Q. And with respect to whether the accused products
10 employ any technique to attempt to reduce a difference in
11 latency between the bonded links, that would take place on
12 the code on Broadcom 63168 chip, correct?

13 A. That's what I would assume, yes.

14 Q. Okay. And you received that as object code, correct?

15 A. That's correct.

16 Q. And that's not human readable by you?

17 A. That's correct.

18 Q. I think you mentioned very briefly 2Wire's
19 participation in the ITU. Do you recall that?

20 A. Yes. When?

21 Q. During your testimony.

22 A. Okay.

23 Q. Okay. Are you aware of any contributions by 2Wire
24 that were adopted into any ITU DSL standard?

25 A. I don't know personally of any contributions that

1 were actually accepted into a standard. I just know that
2 they took contributions to the ITU.

3 Q. Thank you.

4 MR. McANDREWS: I have no further questions, Mr.
5 Miller. Thank you very much.

6 THE COURT: Thank you, Mr. McAndrews. Any
7 redirect?

8 MR. WALSH: No, Your Honor.

9 THE COURT: All right. Mr. Miller, you can step
10 down. Watch your step.

11 THE COURT: All right. What's next?

12 MR. SCHUMAN: Your Honor, 2Wire calls
13 Christopher Cahill by video. It's a short clip.

14 THE COURT: All right.

15 (Video played.)

16 "Question: Could you please state and spell
17 your full name for the record?

18 "Answer: Sure. Christopher William Cahill.
19 C-H-R-I-S-T-O-P-E-R, William, W-I-L-L-I-A-M, Cahill,
20 C-A-H-I-L-L.

21 "Question: I've handed to you what's been
22 marked as the latest exhibit 514 and that is a copy of U.S.
23 patent number 7,453,881. Mr. Cahill, do you recognize this
24 document?

25 "Answer: Yes.